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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/056,716

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Sashikanth Chandrasekaran

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05/16/2006

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SAN JOSE, CA 95110

EXAMINER

CHEN, TE Y

ART UNIT

PAPER NUMBER

2161

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/056,716	<b>Applicant(s)</b> CHANDRASEKARAN ET AL.	
	<b>Examiner</b> Susan Y. Chen	<b>Art Unit</b> 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 8-15 and 23-44 is/are pending in the application.  
     4a) Of the above claim(s) 8-15 and 23-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/29/06 &amp; 10/17/05</u> . | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

This office is in response to the amendment filed on 2/27/2006.

Claims 31-44 are pending for examination, claims 1-7 and 16-22, have been canceled, claims 8-15 and 23-30 have been withdrawn for consideration previously; claims 31-44 are newly added. Applicant is reminded to cancel all non-elected claims.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 31-44, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 31 and 38, applicant fails to define the metes and bounds of claimed "a first resource" and "a second resource", never the less the claimed "a second resource different than said first resource", thus it render the claims to be indefinite. Furthermore, these claims extensively use the phrase "wherein", but the instant specification fails to provide actual steps to perform or limit these claims to a particular structure, thus, this term renders the claimed scope to be

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indistinct. See *In re Markman v. Westview Instruments*, 52 F.3d 967, 980, 34 USPQ2d 1321, 1330 (Fed. Cir.) (*en banc*), *off 'd*, U.S., 116 Ct. 1384 (1996). To expedite the examination of instant invention, the examiner assumes that the first resource is a system resource object and a second resource is any system resource other than the object.

As to claims 32-37 and 39-44, these claims have the same defects as their base claims, hence are rejected for the same reason.

Because the ambiguous nature of instant invention, the following art rejection is as to the best of the examiner ascertain.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 31-44, are rejected under 35 U.S.C. 102(e) as being anticipated by Chan (U.S. Patent No. 6,668,295)

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The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As to claims 31 and 38, Chan discloses the claimed features [e.g., Abstract, Fig.(s) 1-8 and associated texts], comprising:

a requester transmitting to a lock management system a request for a certain lock on a first resource [e.g., col. 3, lines 20-27];

receiving a response from the lock management system that denies the request for a certain lock on the first resource; wherein the response that denies the request for a certain lock on the first resource is caused by a blocking condition [e.g., col. 3, lines 44-47];

wherein the response includes data that identifies a second resource different than the first resource [e.g., col. 3, lines 47-52];

wherein the lock management system does not grant a lock on the second resource to the requester while the blocking condition is in effect [e.g., col. 3, lines 44-47]; and

the requester determining the blocking condition is no longer in effect by performing certain steps that include:

the requester transmitting to the lock management system a request for a lock on the second resource and the requester receiving from the lock management a response that grants the request for the lock on the second resource [e.g., col. 3, lines 47-57, lines 60-67, col. 4, lines 1-18].

As to claims 32 and 39, except the features disclosed in claims 31 and 38 respectively, Chan further discloses that the second resource is a transaction [e.g., the PROC\_1, PROC\_2, PROC\_3, Fig. 3] and the first resource is a resource locked for the transaction [e.g., the master resource object 306, Fig. 3].

As to claims 33 and 40, except the features disclosed in claims 32 and 39 respectively, Chan further discloses that the data that identifies a second resource includes a transaction id identifying the transaction [e.g., the process ID at col. 2, lines 50].

As to claims 34-35 and 41-42, except the features disclosed in claims 31 and 38 respectively, Chan further discloses that the first resource is a data block [e.g., col. 10, lines 13-16] and the blocking condition is based on the data block undergoing a marking block-split operation [e.g., the steps: 517, 520, 522, etc. of Fig. 5B and associated texts].

As to claims 36 and 43, except the features disclosed in claims 31 and 38 respectively, Chan further discloses that when the blocking condition no longer

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prevents the lock management system from granting a lock on the first resource the first requester informing the lock management system that blocking condition is no longer in effect [e.g., Fig(s) 5A-5B and associated texts].

As to claims 37 and 44, except the features disclosed in claims 31 and 38 respectively, Chan further discloses that the first requester informing the lock management system that the blocking condition is no longer effect by making another request for a lock of the first resource, the request including data specifying that the blocking condition is no longer effect [e.g., Fig(s). 6A-6C and associated texts].

### ***Response to Arguments***

Applicant's arguments with respect to claims 31-44 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory

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action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y. Chen whose telephone number is 571-272-4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Susan Y Chen  
Examiner  
Art Unit 2161

May 8, 2006



**UYEN LE**  
**PRIMARY EXAMINER**